

Improvement Res. No. 1429-76

vac. of Robert St.
from so. fence of Lot #6
Perry's Suburban Add.
to its northern terminus.

Resolution Adopted:

August 30, 1976

Confirmed:

Sept. 30, 1976

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

October 21, 1976

B.O. 37-76

DECLARATORY RESOLUTION NO. 1429-76

for the vacation of Robert Street from the south
line of Lot #6, Perry's Suburban Addition, to its
northern terminus.

ADOPTED: August 30, 1976

ADVERTISE NOTICE TO PROPERTY OWNERS: Sept. 10 & 17, 1976

NOTICES MAILED: September 17, 1976

HEARING ON CONFIRMATION: Thurs. Sept. 30, 1976 at 7:00 p.m.

CONFIRMED: September 30, 1976

ASSESSMENT ROLL ORDERED:

ASSESSMENT ROLL APPROVED: October 4, 1976

HEARING ON CONFIRMATION OF A. R.: Thurs. Oct. 21, 1976
at 7 p.m.

NOTICE SERVED: Oct. 8, 1976

ASSESSMENT ROLL CONFIRMED. October 21, 1976

to D. of F.

63-259-17 H.I

8/30/76

DECLARATORY RESOLUTION NO. 1429 19 76

For the Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ of Robert Street from the south line of Lot #6, Perry's Suburban Addition, to its northern terminus.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate Robert Street from the south line of Lot #6, Perry's Suburban Addition, to its northern terminus.

All as shown by a plan of such proposed Vacation - Opening - ~~Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ is described as follows: Lots 6 to 10 in Perry's Suburban Addition, and Lots #319 in New Kirkwood Park Addition, Section H. Said additions are inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

West 14 Feet

The ~~vacation~~ of the above described street shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance ~~of sewers, water mains, gas mains,~~ electric pole lines and conduits, telephone and telegraph pole lines and conduits.

All Streets, lots and lands affected by the above described vacation are situated in the Southeast Quarter Section Thirty, Township 31 North, Range 13 East, and lie wholly within the Corporate Limits of the City of Fort Wayne, Indiana.

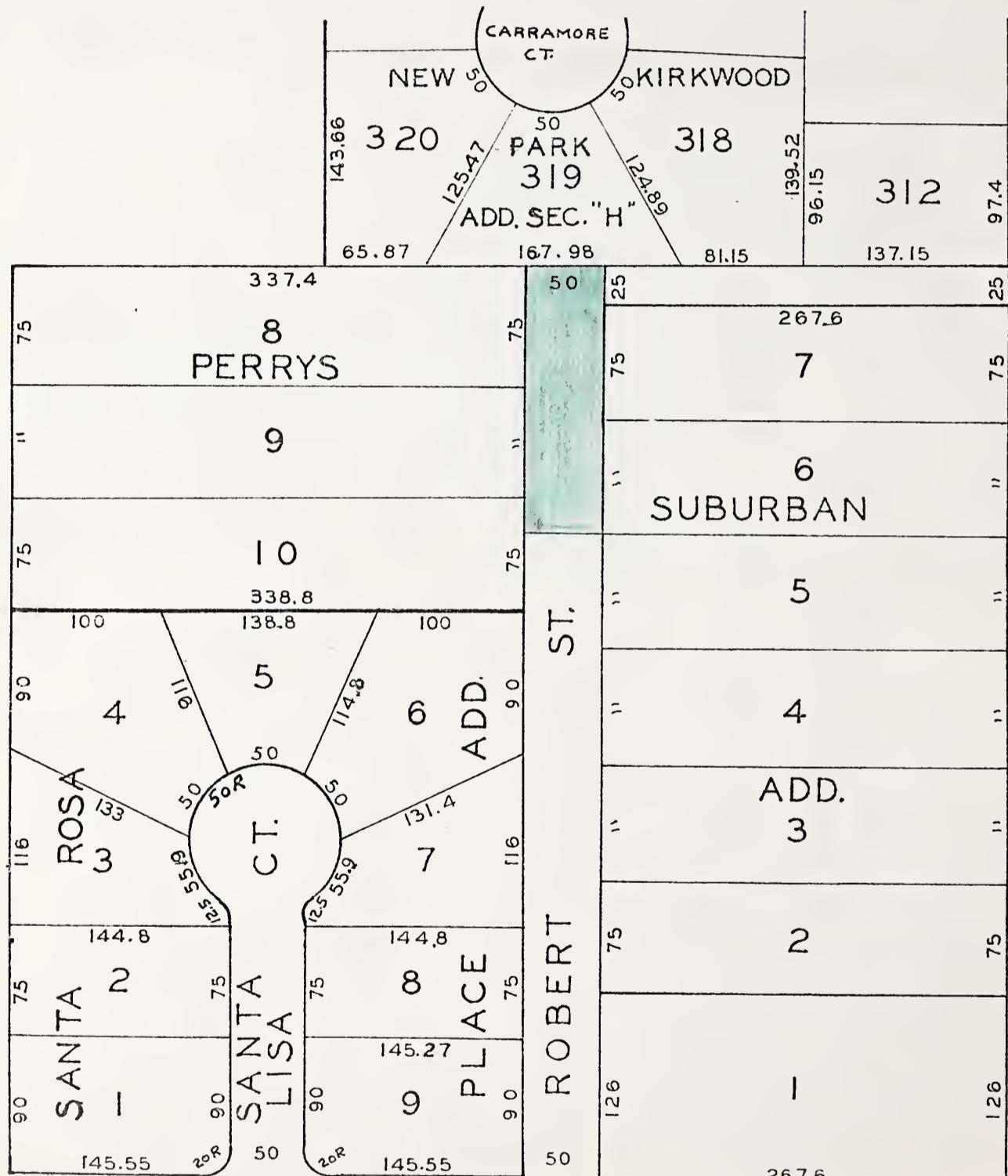
ADOPTED THIS 30 DAY OF Aug. 1 19 76
Attest: Ursula Miller
Secretary Board of Public Works.

Henry P. Hohmberg
May A. Scott
Board of Public Works.

STREET TO BE VACATED

N

HOBSON RD.



VANCE

AVE.

1429

SK:vls
+ 5
-16-76

STATE OF INDIANA) BEFORE THE CITY PLAN COMMISSION
) SS:
COUNTY OF ALLEN) OF FORT WAYNE, ALLEN CO., INDIANA

IN RE: PARTIAL VACATION OF A)
STREET AND VACATION OF)
ONE-HALF OF AN ADJOINING)
UNNAMED STREET)
)
TO WIT: THE NORTHERN PORTION OF) PETITION TO VACATE
ROBERTS STREET FROM THE) A STREET
SOUTHERN TERMINUS OF LOT)
NUMBER SIX (6) IN PERRY'S)
SUBURBAN ADDITION TO THE)
NORTHERN TERMINUS ABUTTING)
NEW KIRKWOOD PARK, SECTION)
"H", TOGETHER WITH ONE-)
HALF OF AN UNNAMED STREET)
EXTENDING ALONG THE NORTH)
LINE OF LOT NUMBER SEVEN)
(7) IN PERRY'S SUBURBAN)
ADDITION, EXTENDING OUT TO)
HOBSON ROAD, FORT WAYNE,)
INDIANA)

TO: THE FORT WAYNE CITY PLAN COMMISSION

Comes now your petitioner, the Reorganized Church of Jesus Christ of Latter Day Saints, by its counsel, Peters & Terrill, and respectfully shows the Commission the following:

1. That the Street hereininvolved, namely, Roberts Street, and the one-half (1/2) of an unnamed street adjoining thereto, are located in Perry's Suburban Addition to the City of Fort Wayne; and said Street runs between and divides Lots Eight (8), Nine (9) and Ten (10) of said Addition on the West side and Lots Six (6) and Seven (7) of said Addition on the East side, with the one-half (1/2) of said unnamed street running along and adjacent to the northern property line of Lot Number Seven (7) of said Addition into Hobson

Road in Fort Wayne, Indiana.

2. That attached hereto and marked Exhibit "A" is a partial Plat of Perry's Suburban Addition to the City of Fort Wayne; and attached hereto and marked Exhibit "B" is a copy of a Certificate of Survey pertaining to the subject real estate.

3. That your petitioners are the owners of Lots Six, Seven, Eight, Nine and Ten in Perry's Suburban Addition to the City of Fort Wayne; and thus, are the primary land owners abutting the real estate proposed to be vacated in this Petition, the remaining abutting land owners being those individuals owning real estate in New Kirkwood Park, Section "H", whose property does not have access to nor is it intended to have access to the real estate which petitioners would seek to be vacated.

4. That said Roberts Street and said one-half of an unnamed street are currently totally unimproved and not being employed for vehicular traffic; and that Lots Six, Seven, Eight, Nine and Ten of Perry's Suburban Addition are also unimproved, the whole of said area being an open field area.

5. That your petitioners would propose to use the real estate they now own together with the real estate that is proposed to be vacated for the construction of church buildings and recreational facilities for the use and benefit of their congregation and members of the local community; and said proposed use of the subject real estate would greatly enhance the aesthetics of the community and the efficient use of its now unimproved real estate.

6. That there is currently a fifteen (15) foot utility easement located on and along the center line of Lots Six and Seven in Perry's Suburban Addition, which easement traverses across said one-half of an unnamed street; and your petitioners stipulate their recognition of said utility easement rights and have no intention whatsoever of disturbing same.

7. That your petitioners are mindful of the necessity of avoiding any contribution to congestion or interruption of the traffic flow currently maintained on Hobson Road in Fort Wayne, Indiana, and would accordingly propose that their intended use of the one-half of the unnamed street which joins said Hobson Road would be as an entry driveway only, with all exits from their facility being made on the remaining portion of Roberts Street, a street artery readily capable of accommodating said traffic flow.

8. That, to the knowledge of your petitioners, no other person, firm or corporation has any interest in the vacation here-proposed; and your petitioners have already been in communication with various city engineering departments which have expressed no serious objection to the proposed vacation or the plans your petitioners have presented for improvement of the subject real estate.

9. That the areas proposed to be vacated are not necessary as ingress or egress to any other property whatsoever; that maintenance of said street and said one-half of an unnamed street is not necessary or advantageous to the growth of the City of Fort Wayne; and that it would be in the best interest of the City of Fort Wayne, the citizens thereof, and the local community that said

proposed area be vacated pursuant to this Petition.

10. That your petitioners file this Petition pursuant to the authority granted in Burns Indiana Statutes Annotated, Section 53-744, in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the Fort Wayne Plan Commission make a finding, and resolve and order that the above described portion of Roberts Street and that certain one-half of an unnamed street be vacated according to provisions of the Indiana law pertaining thereto, and that all further just and proper acts and conduct be performed in order that said real estate be vacated.

PETERS & TERRILL
Attorneys for Petitioner
1700 Lincoln Bank Tower
Fort Wayne, IN. 46802
219/743-3305

By: John S. Knight

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

B.O. 37-76

Date September 30, 1976

To Street Engineering

Subject Declaratory Res. 1429-76 Vacation of Roberts Street from spl of Lot 6, Perry's Suburban Addition to its northern terminus

CONFIRMED.

Please prepare Assessment Roll of Benefits and Damages.

RECEIVED

OCT 01 1976

STREET ENGINEERING
DEPARTMENT

H.P. Wehrenberg
E.H. LaMar
M. G Scott
BOARD OF PUBLIC WORKS

/es
Attached: P.O. List

Signed _____

Reply:

October 1, 1976

Attached, please find Assessment Roll of Benefits and Damages for Declaratory Resolution No. 1429-1976.

Howard Biggs

Howard A. Biggs
City Engineer

jls

63-306-7 11/1/76

Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

B.O. 37-76

September 30, 1976

Street Engineering

Declaratory Res. 1429-76 Vacation of Roberts Street from spl of Lot 6, Perry's Suburban
Addition to its northern terminus

CONFIRMED.

Please prepare Assessment Roll of Benefits and Damages.

H.P. Wehrenberg

E.H. LaMar

M. G Scott

BOARD OF PUBLIC WORKS

/es

Attached: P.O. List

1
2
3
4 BILL NO. G-76-05-10

5 GENERAL ORDINANCE NO. G- 15-76

6 AN ORDINANCE amending General
7 Ordinance No. G-97 by authorizing
the vacation of a certain street.

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY
9 OF FORT WAYNE, INDIANA:

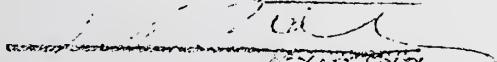
10 SECTION 1. Petition for the vacation of a certain
11 street having been filed with the Fort Wayne City Plan
12 Commission on April 19, 1976 following a public hearing
13 thereon, all in accordance with Section 44, Chapter 174,
14 of the Acts of the General Assembly of the State of Indiana,
15 as amended by Section 3, Chapter 385, of the Acts of 1963
16 of the General Assembly of the State of Indiana (Burns. Ind.
17 Stat., 1974 Replacement, Sec. 53-744), the Thoroughfare Plan
18 as set forth in General Ordinance No. G-97 adopted by the
19 Common Council of the City of Fort Wayne on November 26, 1963,
20 is amended by deleting the following street, to-wit:
21

22 Roberts Street from the Southern Terminus of
23 Lots Number Six (6) in Perry's Suburban Addition
24 to the Northern Terminus of said street abutting
25 New Kirkwood Park, Section "H" and that certain
one-half of an unnamed street being twenty-five
(25) feet in width abutting to and extending along
the north property line of Lot Number Seven (7) in
Perry's Suburban Addition to Hobson Road in Fort
Wayne, Indiana.

26 SECTION 2. After passage of this Ordinance, approval
27 by the Mayor and legal publication, a duly certified copy of
28 this Ordinance, of the recommendation of the Fort Wayne City
29 Plan Commission, and of the action of the Mayor, shall be
30 transmitted by the City Clerk to the Board of Public Works
31 of the City of Fort Wayne, Indiana.

32 SECTION 3. This Ordinance shall be in full force and
33

34 APPROVED AS TO FORM
35 AND LEGALITY,


C. M. ATTORNEY

effect from and after its passage, approval by the Mayor and legal publication thereof.

John Buckley
Councilman

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

B.O. 37-76

Date April 29, 1976

To Street Engineering

Subject Vacation - Roberts Street & Unnamed street from npl of Lot 7, Perry's Suburban Addition to Hobson Road

Attached is a copy of a petition being submitted to City Plan for their action.

When this has been approved by City Council, please prepare Resolution and necessary documents for Board's action.

Henry P. Wehrenberg
Ethel H. LaMar
Max G Scott
BOARD OF PUBLIC WORKS

RECEIVED

/bt

Attachment: Petition

CITY ENGINEERING DEPT.

Signed _____

Reply:

August 19, 1976

Attached find Declaratory Resolution No. 1429 and 1430, Petition to Vacate a Street (for Res. No. 1429), drawings and property ownership lists completed per above.

The entire unnamed street (1430) is to be retained for easements and the west 14 feet of Robert Street (1429) is to be retained for easements.

Kenneth N. Taylor
KNT/mf

Encs. (7)

NOTED

H.P.W.

E.H.L.

M.G.S.

Date _____

BOARD OF PUBLIC WORKS

AUG 19 1976

Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

63-259-17 8/20/76

City of Fort Wayne



ENGINEERING DEPARTMENT

CITY-COUNTY BUILDING
ONE MAIN STREET
Room 740

FORT WAYNE, INDIANA 46802

July 1, 1976

Robert St.

Patsie Rumsey
City Plan Commission

Tom Manny
Traffic Engineer

Please submit your opinion and recommendation on the following proposed vacations:

An unnamed street north of Lot #7, Perry's Suburban Addition, from the west property line of Hobson Road to the east property line of Robert Street.

Robert Street from the south line of Lot #6, Perry's Suburban Addition, to its northern terminus.

Kenneth N. Traylor/P.E./mf
Kenneth N. Traylor, P.E.
Chief Street Engineer

KNT/mf

Encs.

CC: Board of Public Works
B.O. #37-76

NOTED

H.P.W. H.P.W.

EAP E.A.P.

KGP K.G.P.

BOARD OF PUBLIC WORKS

JUL - 1 1976

City of Fort Wayne



CITY-COUNTY BUILDING
ONE MAIN STREET
Room 740

ENGINEERING DEPARTMENT

FORT WAYNE, INDIANA 46802

July 1, 1976

General Telephone Company of Indiana
Indiana & Michigan Electric Company
Northern Indiana Public Service Company

We have received a petition to vacate the following:

Unnamed street north of Lot #7, Perry's Suburban Addition, from the west property line of Hobson Road to the east property line of Robert Street.

Robert Street from the south line of Lot #6, Perry's Suburban Addition, to its northern terminus.

Kenneth N. Taylor/P.E./mf
Kenneth N. Traylor, P.E.
Chief Street Engineer

KNT/mf

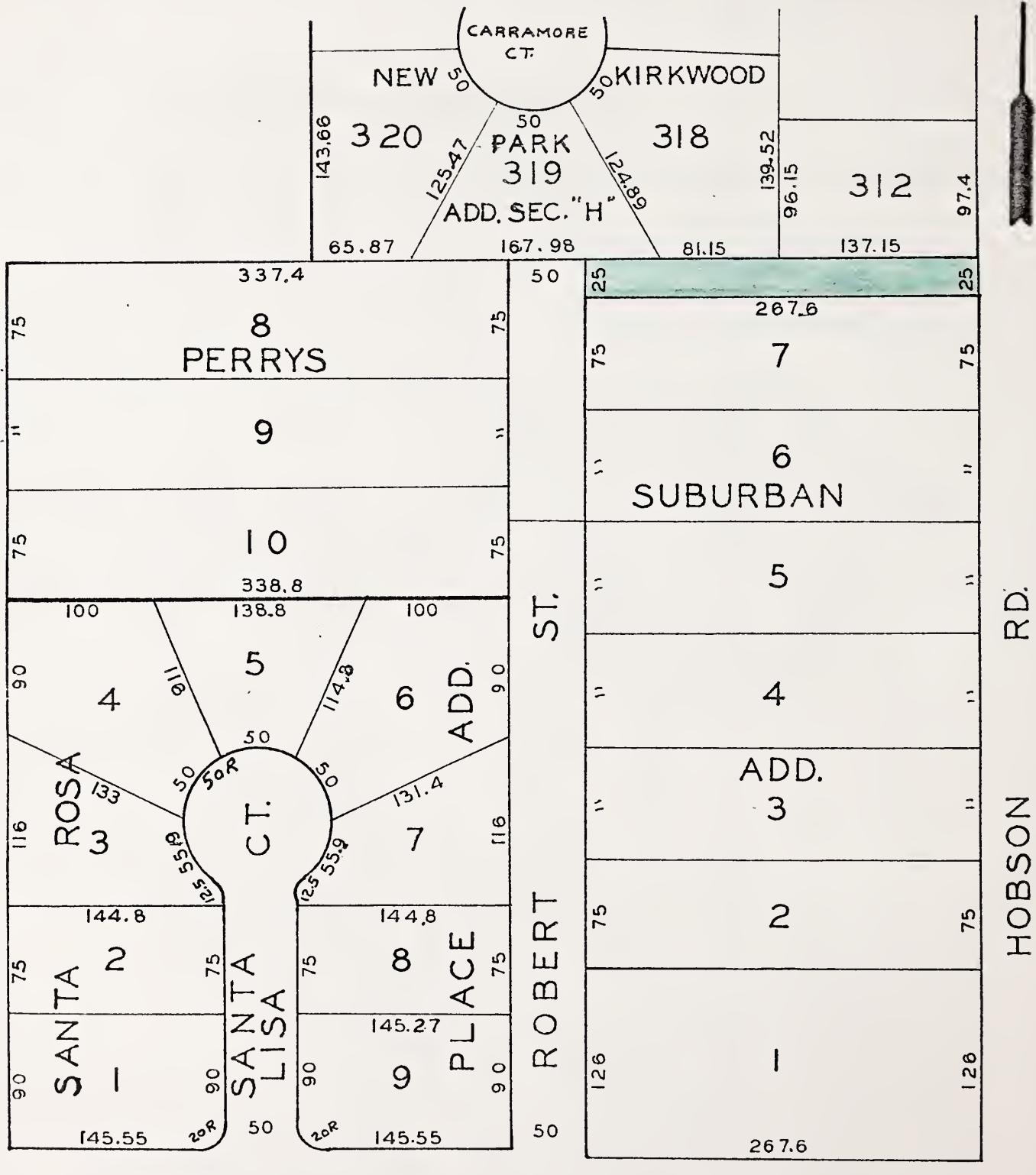
Encs.

CC: Board of Public Works
B.O. #37-76



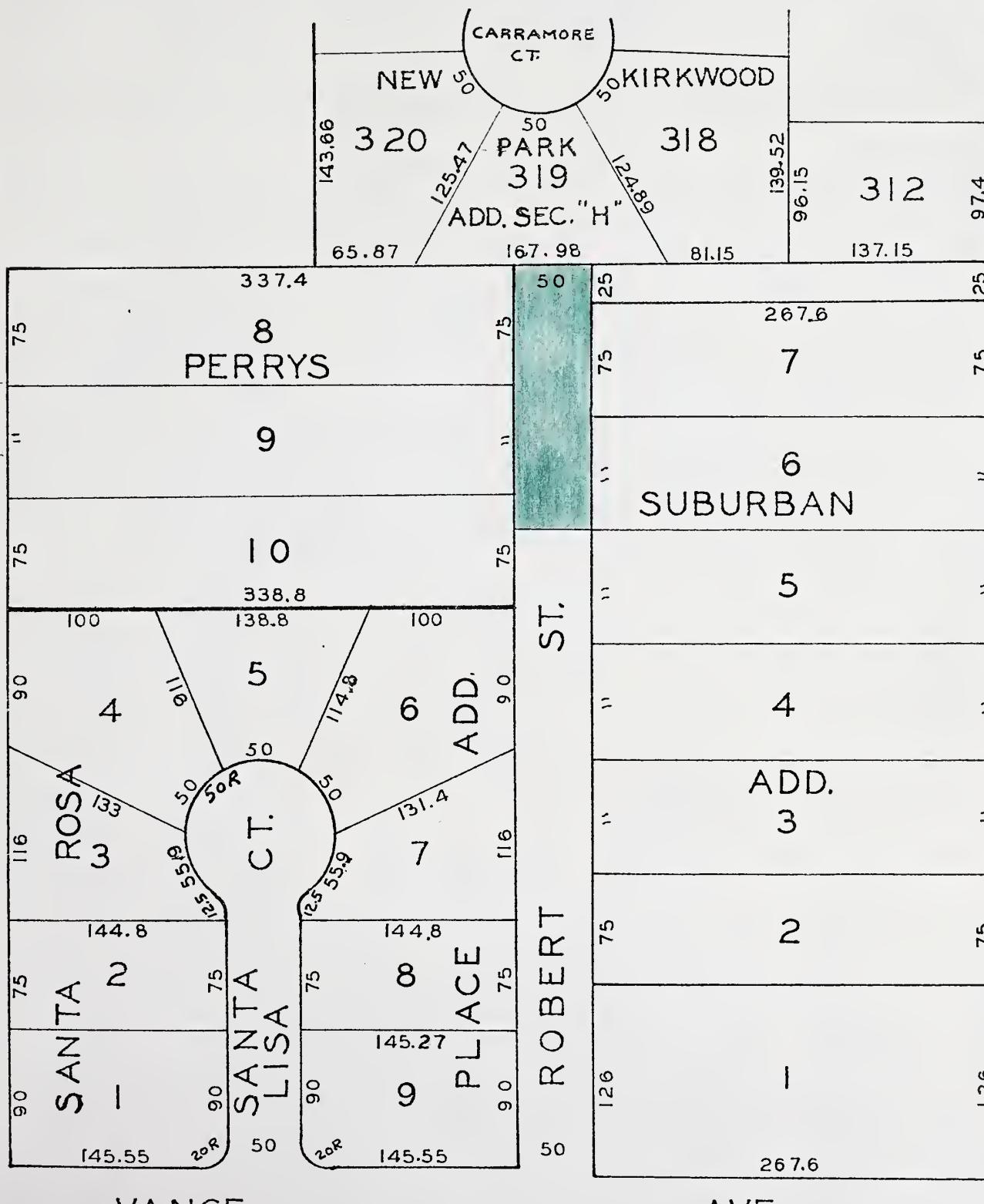
STREET TO BE VACATED

N
S
E
W



STREET TO BE VACATED

N



B.O. 37-76

April 29, 1976

Street Engineering

Vacation - Roberts Street & Unnamed street from npl of Lot 7, Perry's Suburban Addition to Hobson Road

Attached is a copy of a petition being submitted to City Plan for their action.

When this has been approved by City Council, please prepare Resolution and necessary documents for Board's action.

Henry P. Wehrenberg
Ethel H. LaMar
Max G Scott
BOARD OF PUBLIC WORKS

/bt

Attachment: Petition

037

M E M O R A N D U M

DATE: April 28, 1976
TO: Edna Smith - Board of Works
FROM: Patsie - City Plan
SUBJECT: Vacation of Roberts Street and un-named street

Edna;

I have enclosed:

1. Petition to vacate Roberts Street
2. Resolution from the City Plan Commission in which this approved this vacation at their meeting held April 26, 1976
3. Letter to the Common Council
4. Request for Action
5. Digest Sheet
6. Map

This will have to have a Board # assigned to it.

If there are any questions, please call me.

Thanks

Patsie



THE CITY OF FORT WAYNE
COMMUNITY DEVELOPMENT & PLANNING
division of long range planning and zoning

April 28, 1976

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution for the vacation of the following:

Roberts Street from the Southern Terminus of Lot # 6 in Perry's Suburban Addition to the Northern Terminus of said street abutting New Kirkwood Park, Section "H" and that certain one-half of an unnamed street being twenty five (25) feet in width abutting to and extending along the north property line of Lot # 7 in Perry's Suburban Addition to Hobson Road in Fort Wayne, Indiana

which was approved by the City Plan Commission at its regular meeting held April 26, 1976.

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
28th day of April, 1976.



Joseph N. Adair
Secretary

AN EQUAL OPPORTUNITY EMPLOYER



Number assigned by Bill Salin's office: # 3199

REQUEST FOR ACTION

TO: City Attorney William N. Salin
or _____
Associate City Attorney _____ Mr. Cliff Simon / 2400 Ft. W. Bank Bldg.,

FROM: (Name, Title & Department) _____ COMMUNITY DEVELOPMENT AND PLANNING
Division of Long Range Planning and Zoning

Approved by _____
(Person authorized to forward legal work)

Date: April 28, 1976

Subject: Street vacation ordinance
(File subject designation)

* * * * *

File # Assigned by Records Librarian

Date: _____

* * * * *

Action Requested: Preparation of a street vacation ordinance
for introduction into Council.

(Continue on reverse side, if necessary)

cc: City Attorney William N. Salin
(If request originally sent to an Associate City Attorney)
Mayor Robert E. Armstrong
Department Head of Requesting Party

Number assigned by Bill Salin's office: # 3199

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Street vacation

DEPARTMENT REQUESTING ORDINANCE City Plan Commission

SYNOPSIS OF ORDINANCE Petitioners are requesting the vacation of the

following described street: Roberts Street from the Southern Terminus of Lot # 6

in Perry's Suburban Addition to the Northern Terminus of said street abutting New

Kirkwood Park, Section "H", and that certain one-half of an unnamed street being twenty
five (25) feet in width abutting to and extending along the north property line of
Lot # 7 in Perry's Suburban Addition to Hobson Road in Fort Wayne, Indiana.

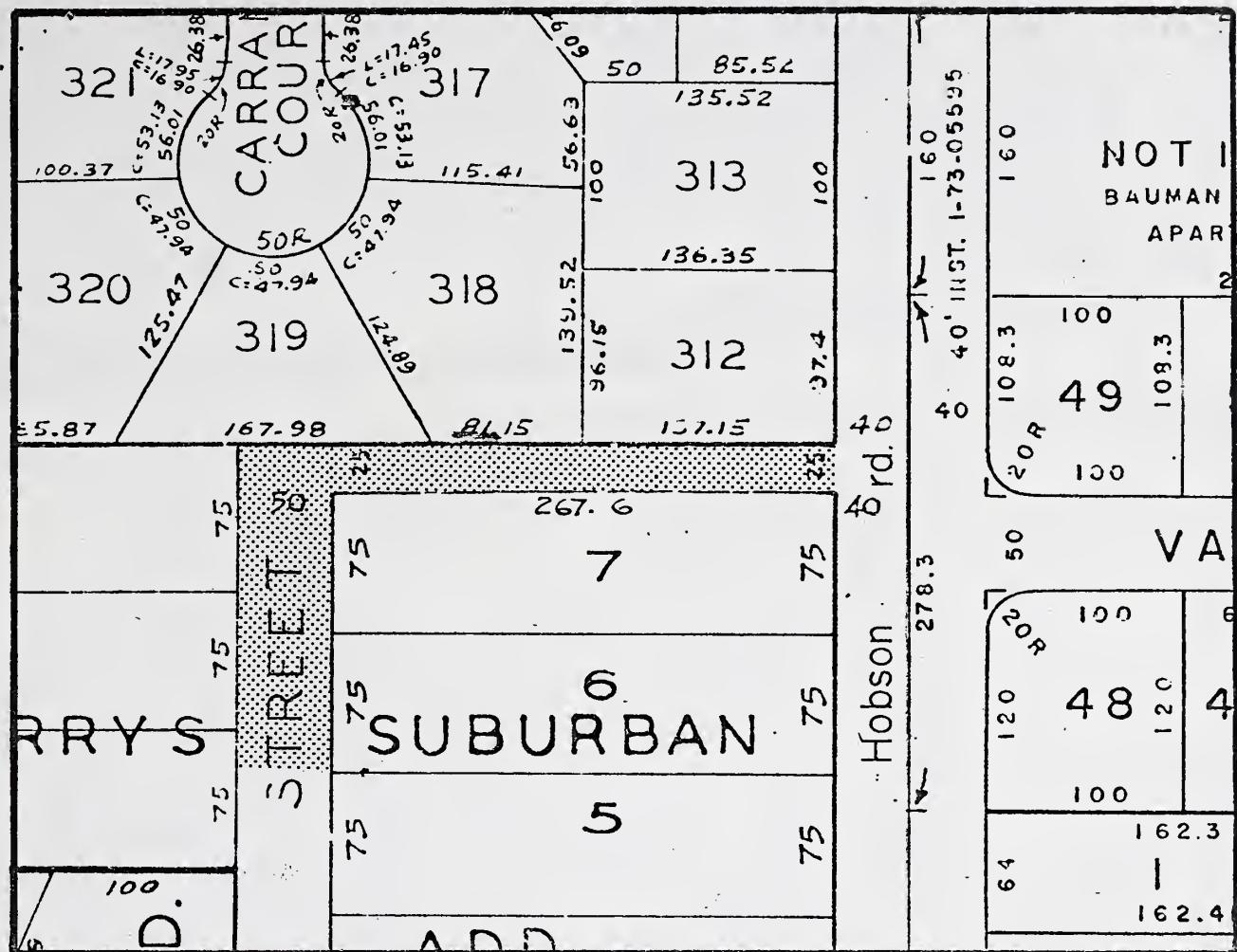
EFFECT OF PASSAGE If vacated, street will be utilized by abutting
property owners.

EFFECT OF NON-PASSAGE If not vacated, street will remain dedicated.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

none

ASSIGNED TO COMMITTEE (J.N.)



 To be vacated (Robert and unnamed street)

3-18-76

E-11

L.S.

RESOLUTION

WHEREAS, the Reorganized Church of Jesus Christ of Latter Day Saints has petitioned and requested that the Fort Wayne City Plan Commission hold a public hearing upon the vacation of the following public street and that certain one-half of an unnamed street adjoining thereto in Allen County, Indiana, to-wit:

Roberts Street from the Southern Terminus of Lot Number Six (6) in Perry's Suburban Addition to the Northern Terminus of said street abutting New Kirkwood Park, Section "H" and that certain one-half of an unnamed street being twenty five (25) feet in width abutting to and extending along the north property line of Lot Number Seven (7) in Perry's Suburban Addition to Hobson Road in Fort Wayne, Indiana,

all in accordance with the terms of Section 44, Chapter 174, of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1973 of the General Assembly of the State of Indiana, Indiana Annotated Statutes, Section 53-744 (Burns 1964 Replacement Edition); and

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and

WHEREAS, said public hearing was held on the 19th day of April, 1976, at 7:30 o'clock P. M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public street and one-half of that certain unnamed street adjoining thereto;

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street or alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne;



BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street or alley hereinbefore described be and the same hereby is approved;

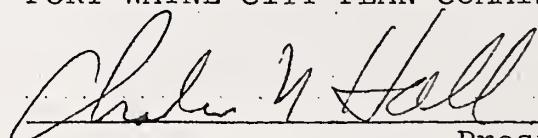
BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of streets and alleys in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Charles N. Hall President of the Fort Wayne City Plan Commission do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held on the 19th day of April, 1976, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 26th day of April, 1976

FORT WAYNE CITY PLAN COMMISSION



Charles N. Hall President

Department of Public Works

Office of the Board: Room No. 910 City-County Building

October 8, 1976

Fort Wayne, Indiana.....

.....
City:

Notice is hereby given you that an assessment of benefits, or award of damages, on account
the vacation of Robert Street from the south line of Lot #6 in Perry's Suburban
Addition to its northern terminus.

has been made against property, situated in the City of Fort Wayne, in Allen County, State of Indiana, recorded as being owned by you, known and described as follows, which assessment of benefits is set opposite said description: BENEFITS DAMAGES

BENEFITS	DAMAGES
\$1.00	\$1.00

All in pursuance to Declaratory Resolution No. 1429-1976..., adopted by the Board of Public Works of said City, on the..... 30th day of..... August....., 19⁷⁶....., authorized by the provisions of an act of the General Assembly of the State of Indiana, approved March 6th, 1905. Entitled "An Act Concerning Municipal Corporations," and under all acts amendatory thereto and supplemental thereof.

The Board of Public Works will meet, in its office, at.....7:00.....o'clock P. M., on the
21st.....day ofOctober....., 19.....76, for the purpose of hearing and
considering any remonstrance which you may desire to present in regard to the amount of your
assessment of benefits or award of damages, as aforesaid.

By Order of

BOARD OF PUBLIC WORKS.

NOTICE
OF ASSESSMENT OF BENEFITS
OR AWARD OF DAMAGES

Against

.....
.....
.....
Account Declaratory Res. 1429-1976

(Vacation of Robert Street)

Served on

.....
.....
.....
by reading and leaving a copy at

No. Street

on the..... day of....., 19.....

Served by

JSK:vls
3-16-6

STATE OF INDIANA) BEFORE THE CITY PLAN COMMISSION
) SS:
COUNTY OF ALLEN) OF FORT WAYNE, ALLEN CO., INDIANA

IN RE: PARTIAL VACATION OF A)
 STREET AND VACATION OF)
 ONE-HALF OF AN ADJOINING)
 UNNAMED STREET)
)

TO WIT: THE NORTHERN PORTION OF) PETITION TO VACATE
 ROBERTS STREET FROM THE) A STREET
 SOUTHERN TERMINUS OF LOT)
 NUMBER SIX (6) IN PERRY'S)
 SUBURBAN ADDITION TO THE)
 NORTHERN TERMINUS ABUTTING)
 NEW KIRKWOOD PARK, SECTION)
 "H", TOGETHER WITH ONE-)
 HALF OF AN UNNAMED STREET)
 EXTENDING ALONG THE NORTH)
 LINE OF LOT NUMBER SEVEN)
 (7) IN PERRY'S SUBURBAN)
 ADDITION, EXTENDING OUT TO)
 HOBSON ROAD, FORT WAYNE,)
 INDIANA)

TO: THE FORT WAYNE CITY PLAN COMMISSION

Comes now your petitioner, the Reorganized Church of Jesus Christ of Latter Day Saints, by its counsel, Peters & Terrill, and respectfully shows the Commission the following:

1. That the Street herein involved, namely, Roberts Street, and the one-half (1/2) of an unnamed street adjoining thereto, are located in Perry's Suburban Addition to the City of Fort Wayne; and said Street runs between and divides Lots Eight (8), Nine (9) and Ten (10) of said Addition on the West side and Lots Six (6) and Seven (7) of said Addition on the East side, with the one-half (1/2) of said unnamed street running along and adjacent to the northern property line of Lot Number Seven (7) of said Addition into Hobson

Road in Fort Wayne, Indiana.

2. That attached hereto and marked Exhibit "A" is a partial Plat of Perry's Suburban Addition to the City of Fort Wayne; and attached hereto and marked Exhibit "B" is a copy of a Certificate of Survey pertaining to the subject real estate.

3. That your petitioners are the owners of Lots Six, Seven, Eight, Nine and Ten in Perry's Suburban Addition to the City of Fort Wayne; and thus, are the primary land owners abutting the real estate proposed to be vacated in this Petition, the remaining abutting land owners being those individuals owning real estate in New Kirkwood Park, Section "H", whose property does not have access to nor is it intended to have access to the real estate which petitioners would seek to be vacated.

4. That said Roberts Street and said one-half of an unnamed street are currently totally unimproved and not being employed for vehicular traffic; and that Lots Six, Seven, Eight, Nine and Ten of Perry's Suburban Addition are also unimproved, the whole of said area being an open field area.

5. That your petitioners would propose to use the real estate they now own together with the real estate that is proposed to be vacated for the construction of church buildings and recreational facilities for the use and benefit of their congregation and members of the local community; and said proposed use of the subject real estate would greatly enhance the aesthetics of the community and the efficient use of its now unimproved real estate.

6. That there is currently a fifteen (15) foot utility easement located on and along the center line of Lots Six and Seven in Perry's Suburban Addition, which easement traverses across said one-half of an unnamed street; and your petitioners stipulate their recognition of said utility easement rights and have no intention whatsoever of disturbing same.

7. That your petitioners are mindful of the necessity of avoiding any contribution to congestion or interruption of the traffic flow currently maintained on Hobson Road in Fort Wayne, Indiana, and would accordingly propose that their intended use of the one-half of the unnamed street which joins said Hobson Road would be as an entry driveway only, with all exits from their facility being made on the remaining portion of Roberts Street, a street artery readily capable of accommodating said traffic flow.

8. That, to the knowledge of your petitioners, no other person, firm or corporation has any interest in the vacation here-proposed; and your petitioners have already been in communication with various city engineering departments which have expressed no serious objection to the proposed vacation or the plans your petitioners have presented for improvement of the subject real estate.

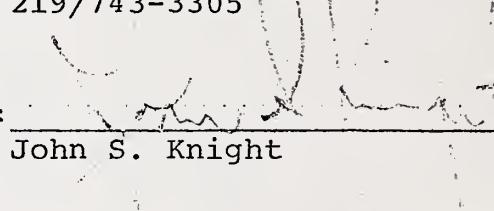
9. That the areas proposed to be vacated are not necessary as ingress or egress to any other property whatsoever; that maintenance of said street and said one-half of an unnamed street is not necessary or advantageous to the growth of the City of Fort Wayne; and that it would be in the best interest of the City of Fort Wayne, the citizens thereof, and the local community that said

proposed area be vacated pursuant to this Petition.

10. That your petitioners file this Petition pursuant to the authority granted in Burns Indiana Statutes Annotated, Section 53-744, in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the Fort Wayne Plan Commission make a finding, and resolve and order that the above described portion of Roberts Street and that certain one-half of an unnamed street be vacated according to provisions of the Indiana law pertaining thereto, and that all further just and proper acts and conduct be performed in order that said real estate be vacated.

PETERS & TERRILL
Attorneys for Petitioner
1700 Lincoln Bank Tower
Fort Wayne, IN 46802
219/743-3305

By: 
John S. Knight

NOTICE TO PROPERTY OWNERS

Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Indiana, that on the 30th day of August, 1976, the said Board deeming it necessary to make certain improvements adopted the following:

DECLARATORY RESOLUTION NO. 1429-1976

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate Robert Street from the south line of Lot #6, Perry's Suburban Addition, to its northern terminus.

All as shown by a plan of such proposed Vacation as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said Vacation shall be assessed against the property beneficially affected thereby.

The Board of Public Works has fixed Thursday, September 30, 1976 as the date on which remonstrances will be heard and considered from persons interested therein or affected thereby and on said day at 7:00 p.m., Room 910, the Board will meet at its office for the purpose of taking final action thereon.

Henry P. Wehrenberg

Ethel H. LaMar

Max G Scott

BOARD OF PUBLIC WORKS

ATTEST: Ursula Miller, Clerk

PUBLISH: September 10 and 17, 1976

ep

N O T I C E T O P R O P E R T Y O W N E R

Office Board of Public Works
City Hall
Fort Wayne, Indiana.....September 17, 1976.....

To.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did adopt Declaratory Resolution No...1429-1976.....providing for the vacation of Robert Street from the south line of Lot #6, Perry's Suburban Addition, to its northern terminus.

The Board has fixed Thursday, September 30, 1976, 7:00 p.m., Room 910, City-County Bldg. a date and time when they will hear and consider objections or remonstrances from all persons whose property will be affected by said Declaratory Resolution.

PROPERTY DESCRIPTION:

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof.

BOARD OF PUBLIC WORKS



THE CITY OF FORT WAYNE

board of public works
city-county building
one main street
fort wayne, indiana 46802

October 19, 1976

SUBJECT: PUBLIC HEARING

Dear Councilman Schmidt:

Please be advised that the Board has scheduled a public hearing Thursday,
October 21, 1976 at 7:00 p.m. concerning the following project(s):

HEARING ON CONFIRMATION OF ASSESSMENT ROLL:

- | | |
|--------------------------------|---|
| ✓ Declaratory Res. No. 1429-76 | Vac. of Roberts Street |
| Declaratory Res. No. 1430-76 | Vac. of unnamed street
(Hobson Road & Robert Street) |

You are invited to attend this public hearing and hear the comments of your constituents regarding the project(s). If you have any questions on the project(s), please feel free to call.

Sincerely,

Henry P. Wehrenberg
Ethel LaMar
Max G. Scott
BOARD OF PUBLIC WORKS

ep

cc: Mayor

AN EQUAL OPPORTUNITY EMPLOYER



Fort Wayne Board of Public Works
(Governmental Unit)

To..... **JOURNAL-GAZETTE** Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head	number of lines	<u>1</u>
Body	number of lines	<u>32</u>
Tail	number of lines	<u>5</u>
Total number of lines in notice		<u>38</u>

COMPUTATION OF CHARGES

.38 lines, 1 columns wide equals .38 equivalent lines at .259¢ cents per line \$ 9.84

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM \$ 9.84

DATA FOR COMPUTING COST

Width of single column	<u>9.9</u>	Size of type	<u>5 1/2</u> point
Number of insertions	<u>2</u>	Size of quad upon which type is cast	<u>5 1/2</u>

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arilla De Wald

Date September 17, 1976

Title CLERK

NOTICE TO PROPERTY OWNERS
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deeming it necessary to make certain improvements adopted the following:
DECLARATORY RESOLUTION
NO. 1429-1976

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Henry P. Wehrenberg
Ethel H. LaMar
Max G. Scott

BOARD OF PUBLIC WORKS
ATTEST: Ursula Miller, Clerk

9-10-17

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned ARILLA DE WALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE

a. DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time(s), the dates of publication being as follows:

9/10-17/76

Subscribed and sworn to before me this 17th day of September 1976

Notary Public

My commission expires September 28, 1979



Claim No..... Warrant No.....

IN FAVOR OF

I have examined the within claim and hereby certify as follows:
That it is in proper form.
That it is duly authenticated as required by law.
That it is apparently } Correct
} Incorrect

\$.....

On Account of Appropriation for

Appropriation No.....

Allowed , { 3

In the sum of \$

I certify that the within claim is true and correct; that the services therein itemized and for which charge is made were ordered by me and were necessary to the public business.

TABLE SHOWING PRICE PER LINE AND PER INSERTION FOR

SIZE OF TYPE	11 Em Column (132 Points) Number of Insertions			
	1	2	3	4
5½	.192	.288	.384	.480
6	.176	.264	.352	.440
7	.151	.227	.302	.378
7½	.14	.21	.28	.35
8	.132	.198	.264	.33
9	.117	.176	.234	.293
10	.106	.159	.212	.265
12	.088	.132	.176	.22

Note: Above table is based on a square of 250 ems.

Form Prescribed by State Board of Accounts

Fort Wayne Board of Public Works
(Governmental Unit)

To THE NEWS-SENTINEL

Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM 9.84

DATA FOR COMPUTING COST

Width of single column 9.9 ems Size of type 5½ point

Number of insertions 2 Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V.E. Gerken

Date September 17, 1976

Title CLERK

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Henry P. Wehrenberg
Ethel H. LaMar
Max G. ScottBOARD OF PUBLIC WORKS
ATTEST: Ursula Miller, Clerk
9-10-76I COPY OF
MENT HERE

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN, who, being duly sworn, says that she is CLERK of the

NEWS-SENTINEL
DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time^s, the dates of publication being as follows:

9/10-17/76

Subscribed and sworn to before me this 17th day of September 1976

J.E. Gerken
Harry J. Gerken
Notary Public

My commission expires September 28, 1979

Claim No..... Warrant No.....

IN FAVOR OF

I have examined the within claim and hereby certify as follows:
That it is in proper form.
That it is duly authenticated as required by law.
That it is apparently } Correct
} Incorrect

\$.....

On Account of Appropriation for

Appropriation No.....

Allowed..... 19.....

In the sum of \$.....

I certify that the within claim is true and correct; that the services therein itemized and for which charge is made were ordered by me and were necessary to the public business.

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9	.117	.176	.234	.293
10	.106	.159	.212	.265
12	.088	.132	.176	.22

Note: Above table is based on a square of 250 ems.

DECLARATORY

Improvement Resolution No. 1429-76 For THE VACATION of ROBERT STREET FROM THE SOUTH LINE OF LOT #6 PERRY'S

SUBURBAN ADDITION TO ITS NORTHERN TERMINUS

	OWNER'S NAME	ADDRESS	NUMBER OF			DESCRIPTION
			LOT	BLOCK	O. L.	
1	SWINFORD, ELBY O & MARGUERITE	111 11 - 11 05	1			PERRY'S SUBURBAN ADD
2	" " "	" " "	2			
3	LINCOLN NATIONAL BANK & TRUST CO TR	116 E BAPT	3			
4	HUBBELL, RICHARD E & MARY ELL	1453 GRAFTON ST COLUMBUS OHIO 43212	4	NOOK E133.5		
5	" " "	" " "	5	SERVE 133.5		
6	REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS	9223 LIMA RD	6			
7	" " "	" " "	7			
8	" " "	" " "	8			
9	" " "	" " "	9			
10	" " "	" " "	10			
11	SEDLMEYER, ROBERT E & MARY LOU	2 - - - 7 05	6			SANTA ROSA PLACE ADD
12	HUNTLEY, CLIFFORD E & GLORAL B	3806 Taylor	7			
13	ALBRIGHT, W. DAVID & ANNA M	3112 Southview DR	8			
14	FOLE, GARRY WAYNE	3112 S. V. DR.	9			
15	ZAEGLER, DOROTHY L & PAULINE E & KATHRYN E	3305 LIMA RD C	05	319		NEW KIRKWOOD PARK ADD. SEC H
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61	NOTICES MAILED OR SERVED					
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63	By ep					
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		TOTAL				

9-17-76

B.O.37-76

1429-76